

17 8 of the Office Action, claim 34 is rejected as being anticipated by U.S. Patent No. 5,172,111 (Olivo, Jr). Later on page 8 of the Office Action, claims 15-18, 21, 22, 27-33 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over West. On page 20 of the Office Action, claims 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over West in view of U.S. Patent No. 5,485,518 (Hunter et al.) and FR 2678091-A1 (Martin). These patents taken alone or in the combinations as suggested by the Examiner do not disclose or suggest Applicant's independent claims 1, 7, 16, 22, 23, 27, 30, 34, 35 and 37.

Exemplary embodiments of the present invention allow a user instantaneous access to and control over the information provided to television networks, home video and computers. A user can create local information labels which allow access to certain types of programming and information received by a television. Furthermore, the same user can avoid access to certain types of information provided over the same medium which he/she deems inappropriate. A user can formulate and edit a local information label which represents the user's profile of preferences for different categories of program content in several different ways. For example, the user can create a local information label by browsing the different categories and assigning individual ratings to each. In at least one embodiment questions are asked and a basic profile which corresponds to the answers of the questions is picked. Furthermore, the profile can be edited by showing the user the transmitted information label of the program and have the local information label adjusted based upon whether the user wants to watch the program or not.

2 Among many other attributes of this system, a historical database can be kept with respect to a particular user. When the user wants to use the television or computer, a menu of the favorite programs will be shown to the user. Such features are encompassed by Applicant's independent claims and are neither taught nor suggested by the prior art relied upon by the Examiner.

West discloses a viewer discretion television program control system which is based upon suitability ratings for each program received. In West's system, data representative of a program rating is multiplexed to the program signal. This data is then compared to user input censoring parameters contained in a user's database. From this comparison it is determined whether the current program on the television is to be censored. The West patent also includes a facet where a certain amount of time is allocated to each viewer. Thus a viewer can be restricted in amount of television to be

watched. Furthermore, the system of West allows for programming for each person in a household according to suitability ratings. As exemplified in West, a young child may not be allowed to watch programming that is rated PG-13, R or X. These ratings, however, are established by independent authorities which may be generic, violence based, religious or otherwise.

3) With respect to independent claims 1 and 7, the West patent does not disclose the ability to receive a program signal having a category label value which identifies a theme of a program on a frame-specific basis. At best, West discloses the ability to receive a program which has ratings to television program and general program themes. However, there is no disclosure of a receiving a program's theme on a frame-specific basis in West. In contrast to the West patent, exemplary embodiments of the present invention allow detection and inclusion or exclusion on a frame-specific basis of programming themes e.g., dramas, westerns, and educational programs.

4) With respect to independent claim 16, the Office Action states that in view of the West patent it would be obvious to rephrase "ENTER YOUR PIN NUMBER" in the form of a question, that entering censorship ratings would have been directly related to category labels and thus it would have been obvious to present questions to a user. Applicant submits that the West patent does not disclose the ability to present questions to a user which are related to category labels, receive the answers, assign a value to the category labels based upon the answers and form a local information label base upon the values assigned to each of the category labels. As shown in exemplary embodiments of the invention (see pages 48 and 49 of the specification), a user's answer to each question allows certain values to be assigned to the category labels during formulation of a local information label. If the request for a PIN number were changed to a question in the West system as assumed in the Office Action, a user would still only input a PIN number. This would not lead to assigning a value to the category labels based upon the answers to the questions as featured in the independent claim. The input of a PIN number would only provide access to the system. Thus, Applicant submits that the West patent fails to disclose or suggest the features of independent claim 16.

5) With respect to independent claim 22, the Office Action states that it would have been obvious to one of ordinary skill to store a plurality of local information labels with a plurality of user ages and activating one of the information labels based on an input age of a user because censorship of TV programs with respect to one's age would have been

6) expected. Applicant submits that the Office Action has used impermissible hindsight in making this rejection. MPEP § 2143 requires that a teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not the applicant's disclosure. There is no suggestion of associating a plurality of local information labels with user ages within West. Furthermore, there is no teaching or suggestion of activating one of a plurality of the local information labels based upon an input age. West requires only a PIN to be input. In fact, each member of the household described in West has an associated PIN number (see column 5, lines 5-10) which eliminates a need for age to be input. Thus, the Applicant submits that West fails to disclose or suggest the features of claim 22.

2) With respect to independent claim 23, West does not disclose, among other features, means for storing the at least one category label value for programs presented to a user to compile a viewing history for the user. Applicant, on page 50 of the specification, discloses the advantages of having a viewing history of particular users. At best, West discloses storing a category label in order to discriminate what the user is able to watch based upon the input ratings of the user's profile. There is no compilation of a viewing history by West. Thus, West fails to teach or suggest Applicant's compiled user history.

9) With respect to independent claims 27 and 30, the Office Action states that it would have been obvious that if the user felt that the programming was unacceptable the user could alter the category label. This implies that if the user does not want to watch the program, he/she changes the category label to remove the program. This is the exact situation which Applicant is trying to avoid. In exemplary embodiments of the invention, if a user deems a program either acceptable or unacceptable, he/she can indicate so and the system will modify the information label to the proper settings, thus saving the user the time and aggravation of having to manually reprogram the category labels. Therefore, Applicant submits that because West discloses manually changing the information in the label, as opposed to the system performing the modification as featured in independent claims 27 and 30, West actually teaches away from the previously claimed invention.

10) With respect to independent claim 34, Applicant submits that Olivo, Jr. does not determine the specific advertisement based upon the instantaneous content level of the program as encompassed in the claims. Olivo, Jr. discloses a stored media screening

device which compares a program material signal source with a material content signal. The result of this comparison, continuously occurring throughout a program. If the comparison determines that programming should be censored, the "offensive" programming is removed and replaced with a message or alternative programming. Olivo Jr., however, does not determine which advertisements are to be played based upon the instantaneous content of the program featured among other limitations in claim 34.

With respect to independent claim 35, Applicant submits that West does not disclose or suggest the creation of a combination of local information labels as recited in the claim. As discussed above, MPEP § 2143 requires that a teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not the applicant's disclosure. West specifically states that there is a PIN number and resulting suitability rating for each member of the family disclosed in column 5, lines 5-10. Thus, there is no disclosure or suggestion of creating a combination of a plurality of local information labels within the West patent as each person would have their own profile.

With respect to newly added independent claim 38, Applicant submits that the West patent does not disclose or suggest providing a "standardized description of a particular type of information content including at least violence, sex and foul language" and creating a local information label based upon user inputs for each category of labels. The West patent only discloses the ability to censor programs based upon general program ratings such as G, PG, R and X.

Thus, Applicant's independent claims 1, 7, 16, 22, 23, 27, 30, 34, 35, 37 and 38 are allowable. The remaining claims which depend therefrom, and which recite additional advantageous features of the presently claimed invention, are also allowable.

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance and such allowance is respectfully solicited.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: October 20, 1997

By: Brian L. Oakes Reg. No. P 41,467
for Frederick G. Michaud, Jr.
Registration No. 26,003

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620